

| <b>Notice of Allowability</b> | Application No.       | Applicant(s)     |
|-------------------------------|-----------------------|------------------|
|                               | 10/619,986            | GARIMELLA ET AL. |
|                               | Examiner<br>Kim Huynh | Art Unit<br>2182 |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to application filed 7/14/03 and interview on 4/26/05.
2.  The allowed claim(s) is/are 1-33.
3.  The drawings filed on 7/14/03 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 2 sheets
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT/COMMENTS**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Claims 23-33 are subjected to a non-statutory subject matter since the claims, in view of Applicant's disclosure, specification (par. 23) are not limited to tangible embodiments. The medium recited therein is defined as to including both tangible embodiments (e.g., *article of manufacturing including hardware logic such as IC, PGA, ASIC, disks, tapes, or memory devices* [II. 5-11]) and intangible embodiments (e.g., *network or wireless transmission media, signals propagating through space, radio waves, infrared signals, etc.* [II. 14-17]). To overcome this problem, the claims need to be amended to include only the physical computer media and not a transmission media or other intangible or non-functional media since the carrier medium and transmission media would not be statutory but storage media would be statutory.

During a telephone interview with Mr. David W. Victor on 4/28/05, an agreement was reached to amend the claims to include only the physical computer media and not a data transmission media to put the application in condition for allowance.

The application has been amended as follows:

**Claim 23, line 1, after "article of manufacture", insert – implemented in a computer readable device -- .**

***Allowable Subject Matter***

The following is a statement of reasons for the indication of allowable subject matter

Claims 1, 12 and 23 recite, *inter alia*, a method and system for performing an I/O operation with respect to a logical device capable of being accessed by a multiple host system having steps to overwrite the meta data in the logical device in order to prevent at least one host from accessing the data in the logical device prior to performing I/O operation with respect to the logical device and writing the valid metadata to the logical device to access data in the logical device to enable access of data by the hosts.

The references of record do not teach or suggest the aforementioned limitation, nor would it be obvious to modify those references to include such limitation.

Ohr et al. (US 6,772,309) discloses locking allocated storage to preventing access by host but not by overwriting the metadata.

Dunham et al. (US 6,714,952) discloses backing up/restoring data and meta data but does not disclose overwriting the metadata to prevent host access.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Huynh whose telephone number is (571) 272-4147.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kim Huynh  
Primary Examiner  
Art Unit 2182

KH  
4/28/05